

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GRADY JACKSON,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 06-88 Erie
	)	
UNITED STATES OF AMERICA,	)	
et al.,	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on April 18, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on May 31, 2007 [47], recommends that the Defendants' motion to dismiss or, in the alternative, for summary judgment [24] be granted in part and denied in part. The parties were allowed ten (10) days from the date of service to file objections. Plaintiff's objections [50] were filed on July 3, 2007, and Defendants' response [52] was filed on July 10, 2007.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation, Plaintiff's objections and the Defendants' response thereto, the following order is entered:

AND NOW, this 12th Day of July, 2007, IT IS HEREBY ORDERED that the Defendants' motion to dismiss or, in the alternative, for summary judgment [24], is GRANTED in part and DENIED in part as follows:

1. Defendants' motion is GRANTED with regard to Plaintiff's FTCA claim of medical negligence, and said claim is hereby DISMISSED;

2. Defendants' motion is GRANTED with respect to Plaintiff's FTCA claim that Defendants were negligent in failing to provide ladders for the bunk beds in FCI-McKean's SHU, and said claim is hereby DISMISSED;
3. Defendants' motion is GRANTED with respect to Plaintiff's claims against the Individual Defendants in their official capacities, and said claims are hereby DISMISSED; and
4. Defendants' motion is DENIED with respect to Plaintiff's Eighth Amendment deliberate indifference claim.

IT IS FURTHER ORDERED, consistent with the foregoing, that the United States of America is hereby DISMISSED from this action and the caption of the case should be amended accordingly.

The report and recommendation of Chief Magistrate Judge Baxter dated May 31, 2007 [47] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

Sean J. McLaughlin  
United States District Judge

cm: all parties of record \_\_\_\_\_  
Chief U.S. Magistrate Judge Susan Paradise Baxter